EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION and GENEVANT SCIENCES GmbH, Plaintiffs, v. MODERNA, INC. and MODERNATX, INC. Defendants.	)	C.A. No. 22-252 (MSG)
MODERNA, INC. and MODERNATX, INC., Counterclaim-Plaintiffs, v. ARBUTUS BIOPHARMA CORPORATION and GENEVANT SCIENCES GmbH, Counterclaim-Defendants.	)	

DECLARATION OF DON PARSONS
IN SUPPORT OF DEFENDANTS' MOTION TO SEAL

I, Don Parsons, hereby declare as follows:

1. I am Vice President of Delivery Science and Development at ModernaTX, Inc. (hereinafter, "Moderna"). In this role, I am familiar with Moderna's technical research and development information. I am familiar with the fact that Moderna maintains this information as confidential,[1] and I am familiar with the extensive efforts Moderna takes to protect its confidential information. I have personal knowledge of the facts stated in this declaration or have become aware of such facts through my role at Moderna. If called upon to testify, I could and would competently testify thereto.

2. I write this declaration in support of Moderna's request to avoid disclosure of sensitive and confidential information on the public record. I discuss below how and why Moderna keeps certain technical information confidential, and the serious harm that would result to Moderna from disclosure of this information to Moderna's competitors.

3. I understand this case relates to Moderna's COVID-19 Vaccine, known as mRNA-1273 or "SpikeVax." SpikeVax is comprised of messenger RNA (mRNA) which is encased in lipid nanoparticles (LNPs). Moderna's proprietary LNP is comprised of four lipid components including SM-102, cholesterol, phospholipid, and PEGDMG-2000.

4. I have been provided and have reviewed the information that Moderna proposes to redact from Plaintiffs' Amended Complaint for Patent Infringement (D.I. 301) ("Amended Complaint"). Specifically, paragraphs 56–58, 77–78, 98–99, 119–120, 143–144, 169–170, and

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[1] I understand that the Protective Order in this case (D.I. 91) includes two categories of Protected Material: "Confidential" and "Highly Confidential – Outside Counsel's Eyes Only." I understand that Plaintiffs' amended complaint includes "Highly Confidential – Outside Counsel's Eyes Only" information. For the purposes of this declaration, I have used the term "confidential" to cover this category, which should not be disclosed to the public for the reasons explained herein.

190–191 contain Moderna confidential information. These paragraphs reflect Moderna confidential technical and business information regarding Moderna's COVID-19 vaccine.

5. It is critical to Moderna that the Court maintain under seal Moderna's confidential information. Moderna has always taken extensive measures to maintain the confidentiality of its technical information, including by implementing procedures that restrict access to sensitive information even within Moderna. Employees have confidentiality obligations as part of their employment and are provided guidance regarding how to treat sensitive information. Specifically, confidential Moderna information is not to be disclosed outside of Moderna except under confidentiality agreement and when necessary. Documents containing such information may be marked as confidential or otherwise indicate they contain restricted or sensitive information. Internal to Moderna, employee access to commercially sensitive and trade secret information is often restricted on a need-to-know basis, as determined by a person's group or role on a project. Moderna has been extremely concerned about the protection of its confidential information during this litigation and has been very careful to always protect this information.

6. Moderna's proposed redactions seek to seal portions of the Amended Complaint which refer to, quote, summarize, or otherwise disclose Moderna's sensitive and confidential technical information. Specifically, the information in paragraphs 56–58, 78, 79, 97, 98, 119, 120, 143, 144, 169, 170, 190, and 191 discloses specific information concerning the composition of Moderna's COVID-19 Vaccine and Moderna's proprietary and trade secret manufacturing methods for its COVID-19 Vaccine including steps in the manufacturing process and parameters for those steps.

7. The information within paragraphs 56–58, 77–78, 98–99, 119–120, 143–144, 169–170, and 190–191 that Moderna proposes redacting is confidential and sensitive information that

Moderna does not disclose publicly, which it wishes to remain confidential. There is significant competition between established vaccine suppliers, including suppliers with mRNA-based vaccines. Additionally, there are companies considering entering the vaccine market and companies developing mRNA-based vaccines and therapeutics for other diseases or developing LNPs for mRNA-based products. Because there are so few competitors in these markets, the markets are highly competitive, and any information about one of the competitors, even seemingly minor information, may prove competitively advantageous. Moderna has spent significant resources to develop its formulation and manufacturing methods, and the release of such information to the public, including Moderna's competitors, would significantly harm Moderna.

8. With respect to Moderna's formulation, Moderna considers its precise formulation, including the quantities of ingredients, a trade secret, which is not public knowledge.

9. With respect to Moderna's proprietary manufacturing process for SpikeVax, Moderna considers its process-as-a-whole a trade secret, including the steps in the process, the records of each step, and the parameters or specification for each step (such as timing, sequence, amount and kind of raw materials, temperatures, measurements, equipment used, etc.). Moderna has not publicly disclosed its proprietary manufacturing process.

10. Based on my personal knowledge and experience in the pharmaceutical business, I believe that disclosure of this information would significantly harm Moderna by revealing confidential data to its direct competitors and the public generally. If the confidential information were made public, Moderna's competitors would be able to potentially replicate Moderna's products, features within Moderna's products, and methods of making Moderna's products, or make decisions about where, when, and how to offer directly competitive goods with full knowledge of Moderna's technology. Moderna's competitors would gain a significant advantage

in creating their own business strategies, which would put Moderna at a significant competitive disadvantage, causing it real and serious harm. Moderna's competitors may also seek patent claims to cover Moderna's technology.

* * *

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this May 8, 2024

Respectfully submitted,

Don Parsons